The Registration of Births and Deaths Regulation, 1359 F.

No. II OF 1359 F.

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*THE REGISTRATION OF BIRTHS AND DEATHS REGULATION, 1359 F.

No. II OF 1359 F.

(Received the assent of H.E.H. the Nizam on 7th Zilhej, 1368 H./1st Azur, 1359 F.).

WHEREAS it is expedient to provide for the compulsory registration of births and deaths in the Hyderabad State; Preamble,

It is hereby enacted as follows :—

1. (1) This Regulation may be called the Hyderabad Registration of Births and Deaths Regulation of 1359 F. Short title and commencement.

(2) It shall come into force from the date of its publication in the Jarida.

2. The Government may by notification published in Jarida extend the application of this Regulation or any portion thereof to any area in the Hyderabad State and may also by notification, exclude any such area from the operation of this Regulation or any portion thereof. Extension and withdrawal of the Regulation.

3. In this Regulation, unless there is something repugnant in the subject or context, "registrar" means a person appointed registrar of births and deaths under Section 5 of this Regulation. Definition of Registrar.

4. On the publication of a notification under Section 2 extending this Regulation or any portion thereof to any local areas the First Taluqdar shall cause to be proclaimed in the case of a village by notices posted in the village chavadi and by beat of drum within the area and in other cases by notices posted at conspicuous places within the area and by the publication in the local paper or papers, if any, in the local language, the date from which registration of births and deaths will be compulsory in the said area. First Taluqdar to proclaim that registration will be compulsory.

5. (1) On the publication of such notification, the First Taluqdar shall appoint a person either by name or by virtue of any office he may hold, to be registrar of births and deaths for each city, town and village or may if he sees fit, divide any city, town or village into wards and appoint a person either by name, or by virtue of any office he may hold to be registrar of births and deaths for each ward. Appointment of Registrars.

(2) Every registrar so appointed shall keep in the prescribed form a register of births and deaths for his city, town, village or ward as the case may be.

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*Published in Jarida No. 3 dated 17th Azur 1359 F.

Registrars to live in their city, town, village or ward.

6. Every such registrar shall, unless otherwise expressly authorised by the First Taluqdar in writing reside within the city, town, village or ward of which he is the registrar and shall cause his name, with the addition of registrar of births and deaths for the city, town, village or ward for which he is so appointed, written in the local language to be placed in some conspicuous place on or near the outer door of his office.

Registrar is a public servant.

7. Every registrar of births ond deaths shall be deemed to be a public servant within the meaning of the Hyderabad Penal Code.

First Taluqdar to have registers and forms printed and supplied.

8. (1) The First Taluqdar shall cause to be printed and supplied a sufficient numbers of register books for making entries of births and deaths according to such forms and instructions as may, from time to time, be prescribed by Government.

Copy of such forms to be posted in the office of the registrar.

(2) A copy of such forms in the local language shall be posted in some conspicuous place on or near the outer door of the office of every registrar.

Information of birth to be given within seven days.

9. The father of every child, or in case of thedeath, illness, absence or inability of the father, the doctor, midwife or dai assisting at the birth and in default every adult male member of the family resident in the house in which the child was born and any persor having charge of the child or in default of the above, the mother shall, within seven days next after the day of such birth alive or dead, give or cause to be given, either orally or in writing, information to the registrar of the locality according to the best of his knowledge and belief, of the several particulars required to be entered in the forms prescribed under Section 8 :

Provisos.

Provided that a person not required to give information in the first instance but only in default of some other person shall not be bound to give information under this Regulation if he had reasonable cause to suppose that the information had been or would be duly given by such other person :

Provided also that in the case of an illegitimate child, it shall, in the first instance, be the duty of the mother of such child to give information under this Regulation, and no person shall, as father of such child be required to give information under this Regulation concerning the birth of such child, and the registrar shall not enter in the register the name of any person as father of such child, unless at the joint request of the mother and of the person acknowledging himself to be the father of such child, and unless such person shall sign the register together with the mother.

Information to be given respecting new-born child found exposed.

10. In case any new-born child is found exposed, it shall be the duty of any person finding such child and of any person in whose charge such child may be placed to give to the best of his knowledge and belief, to the registrar, within seven days after the finding of such child, such information of the particulars

required to be registered concerning the birth of such child as the informant possesses.

Information of death to be given within 24 hours.

11. The nearest adult male relative present at the death or in attendance during the last illness of any person dying in a village, or in case of default of such realtive every adult male person present at the death, or in the case of their default the occupier of the house, or in his default every adult male person living in the house in which such death has happened or in the case of default of such inmate, the person under taking the disposal of the corpse shall, within 24 hours from the time of death, give or cause to be given, either orally or in writing information to the registrar according to the best of his knowledge and belief of the several particulars required to be entered in the forms prescribed under Section 8 :

Provided that a person not required to give information in the first instance, but only in default of some other person shall not be bound to give information under this Regulation if he had reasonable cause to suppose that the information had been or would be duly given by such other person.

In case of births and deaths in hospital, medical officer-incharge to sent information to the registrar.

12. Notwithstanding anything contained in Section 9 and 11 of this Regulation,

(1) in case of a child being born or a person dying in any hospital, maternity or nursing home it shall be the duty of the medical officer or a person in charge forthwith to send to the registrar a notice in writing of the occurrence of such birth or death containing the several particulars required to be entered in the forms prescribed under Section 8 ;

In case of births and deaths in dharamshala, etc., keeper or person in charge to give information required.

(2) in case of a child being born or of a person dying in any sarai, dharamashala, chaul, hotel, boarding house, lodging house, toddy shop or place of public resort and entertainments, it shall be the duty of the owner, keeper or person in charge thereof to give the information required under Sections 9 and 11 in the manner specified therein within 48 hours of the birth or death as the case may be.

A person giving oral information to write his name in the register.

13. Every person who has orally given to a registrar any information required under this Regulation shall write in the register his name, description and place of abode and if he cannot write shall put his thumbmark in the register against his name, description and place of abode, these particulars being in such case entered by the registrar.

Registrar to give birth extract free of charge.

14. The registrar shall on the completion of registration of the birth of a child, give on application, free of all charge, to the person who gives information of the birth an extract under his hand from the register relating to such birth.

Registrar to register information without fee or reward and inform

15. Every registrar shall without fee or reward register all information furnished to him under Sections 9 to 13 and it shall also be his duty to inform himself carefully of every birth and of every death which takes place in his city, town, village or ward and he shall ascertain and register as soon as conveniently may

himself of every birth and death.

be after that event, the particulars required to be registered according to the forms prescribed under Section 8 touching every such birth and death as the case may be, which has not already been registered.

Entry of name of child.

16. When the birth of any child has been registered without name, the parent or guardian of such child may within twelve months next after the registration of birth, require the registrar to enter in the register the name of such child and the registrar shall thereupon enter the name and shall initial and date the entry.

Search of birth and death registers.

17. Subject to any rules which the Government may make under Section 23 any person may, at all reasonable times on a payment of afee fixed by Government for each visit, search any register of births and deaths and may, on payment of further fee fixed by Government, obtain an extract from such register relating to any birth or death registered therein.

Penalty for omission to give information or for giving false information.

18. Any person who—

(*a*) fails without reasonable cause to give any information which it is his duty to give under Sections 9, 10, 11 and 12 of this Regulation ; or

(*b*) gives or causes to be given for the purpose of being inserted in any register of births or deaths any information which is false and which he knows or believes to be false touching any of the particulars required to be known and registered ; or

(*c*) refuses to write his name, description and place of abode or to put his mark in the register if required by Section 13, shall on conviction before a Magistrate, be liable to fine not exceeding fifty rupees.

Penalty to registrar for neglect of duty.

19. Any registrar who refuses or neglects to register any birth or death occurring within his jurisdiction, which he is bound to register, within a reasonable time after he shall have been duly informed thereof, shall be punishable on conviction before a Magistrate to a fine not exceeding one hundred rupees.

Prosecution not to be instituted except under the orders of the First Taluqdar.

20. No prosecution in respect of any offence punishable under this Regulation shall be instituted except under the order of the First Taluqdar having jurisdiction over the area in which the offence was committed, who may also stay such prosecution.

Delegation of powers by the Government.

21. Any of the powers and duties conferred or imposed upon the Government or the First Taluqdar by this Regulation may be exercised or performed subject to such conditions as the Government may prescribe by a local committee to which the Government may by a general or special order empower in this behalf.

Delegation of powers by the First Taluqdar.

22. The First Taluqdar may depute any gazetted officer to exercise the powers and to perform the duties vested in him by this Regulation.

23. (*a*) Government may make rules to carry out all or any of the purposes of this Regulation not inconsistent therewith. Government to make rules and prescribe forms and registers.

(*b*) In particular and without prejudice to the generality of the foregoing power, Government may make rules—

(*i*) prescribing the forms of registers of births and deaths required to be kept under this Regulation ;

(*ii*) the manner in which the registers shall be maintained ;

(*iii*) the dates on which returns shall be made ;

(*iv*) the officers to whom returns shall be sent ;

(*v*) for the inspection and examination of registers maintained under this Regulation and the fee chargeable for such inspection, examination and for obtaining extracts of registers ;

(*vi*) for the conduct of the duties of the registrar during his absence on other duty or on account of illness or other cause;

(*vii*) for the custody, production and transfer of the registers and other records kept by registrars ;

(*viii*) for the correction of clerical errors which may be discovered in the registers of births or registers of deaths ; and

(*ix*) generally to carry out the provisions of this Regulation.

24. The enactments specified in the Schedule are hereby repealed to the extent mentioned in the fourth column thereof. Repeal.

SCHEDULE.

(*See Section* 24).

ENACTMENTS REPEALED.

Year	Number	Short title	Extent of Repeal
1	2	3	4
1342 Fasli ..	XII	The Hyderabad Municipal Act 1342 F.	Sections 326 to 336 both inclusive.
1352 Fasli ..	III	The Hyderabad District Boards A'in 1352 F.	Sub-section (*a*) of Section 69.
1352 Fasli ..	IV	The Hyderabad Municipal and Town Committees A'in 1352 F.	Section 72, clause (*m*) of sub-section (1).